

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fitzpatrick et al.

Serial No.: unknown Art Unit: unknown

Filed: herewith Examiner: unknown

For: Reissue of U.S. Patent No. 5,732,711

Issued March 31, 1998

on U.S. Application Serial No. 703,794

Filed August 27, 1996

MAR 30 2000

DECLARATION BY INVENTORS

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

We, Joseph F. Fitzpatrick, Anthony C. Romano, John H. Richards, and Ronald S. Kolarovic declare that we are citizens of the United States of America; that we verily believe ourselves to be the original and first inventors of the invention described and claimed in U.S. Letters Patent No. 5,732,711 (hereinafter '711 PATENT) and in the foregoing specification and for which invention we solicit a reissue patent; that we do not know and do not believe that said invention was ever known or used in the United States of America before our invention thereof; and that we verily believe the '711 PATENT to be wholly or partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '711 PATENT.

We request that we be permitted to amend the '711 PATENT and be granted a reissue patent; that errors rendering the '711 PATENT wholly or partly inoperative or invalid caused the claims of such patent to be of more narrow scope than necessary to distinguish over the prior art; and that such errors arose without any deceptive intent.

Specifically, we at least claimed less than we had a right to claim in the '711 PATENT by included in said patent claim 1 a specific type of temperature sensor.

We have reviewed and understand the contents of the specification as amended herein, including amended original patent claims 1-8, as well as new claims 9-34.

We acknowledge our duty to disclose information of which we are aware which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56; and we

further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application for reissue or any patent issuing thereon.

We hereby appoint William R. Coffey, Reg. No. 24023; Jerry E. Hyland, Reg. No. 20904; Richard D. Conard, Reg. No. 27321; Steven R. Lammert, Reg. No. 27653; Richard A. Rezek, Reg. No. 30796; Timothy E. Niednagel, Reg. No. 33266; John P. Breen, Reg. No. 38833; Jill L. Woodburn, Reg. No. 39874; Nancy J. Harrison, Reg. No. 27083; R. Trevor Carter, Reg. No. 40549; Dilip A. Kulkarni, Reg. No. 27510; Perry Palan, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; Bobby B. Gillenwater, Reg. No. 31105; Paul B. Hunt, Reg. No. 37154; Michael S. Gzybowski, Reg. No. 32816; and Robert D. Null, Reg. No. 40746, our attorneys, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith; and we specify that communications regarding this application to reissue be directed to:

Richard D. Conard
BARNES & THORNBURG
1313 Merchants Bank Building
11 S. Meridian Street
Indianapolis, Indiana 46204

Date

Joseph F. Fitzpatrick
694 Spruce Road
Warminster, Pennsylvania 18974

Date

Anthony C. Romano
110 Canterbury Lane
Lansdale, Pennsylvania 19446

Date

John H. Richards
2032 Grey Horse Drive
Warrington, Pennsylvania 18976

Date

Ronald S. Kolarovic
1301 Morgan Avenue
Cinnaminson, New Jersey 08077

00000000000000000000000000000000

Attorney Docket No. 7175/60313
PATENT

RECORDATION OF ASSIGNMENT OF PATENTS

Box Assignments
Assistant Commissioner of
Patents and Trademarks
Washington, D.C. 20231

MAR 13 2000

Attn: Assignment Branch - Patents

Sir:

It is requested that the Assignment Branch record the properties listed below.

1. CONVEYING PARTY: Air-Shields, Inc.

Name

2. RECEIVING PARTY: Hill-Rom Air-Shields, Inc.

Name

330 Jacksonville Road, Hatboro, PA 19040

Address

3. INTEREST CONVEYED: Name Change

EXECUTION DATE: October 5, 1995

4. PROPERTY(IES): US. Patent Nos. 5,330,415, 4,294,263, 4,295,475, 4,303,076, 4,361,137, 4,472,116,
4,890,624, 5,206,807, 5,119,467, 5,336,156, 5,224,923, 5,242,375, 5,244,452,
5,285,054, 5,285,519, 5,352,869, 5,498,229, 5,649,896, 5,730,355, 5,732,711 and
U.S.S.N. 08/303,462

5. CORRESPONDENCE ADDRESS:

Barnes & Thornburg
Franklin Tower Bldg.
1401 Eye Street, N.W.
Suite 500
Washington, D.C. 20005
(202) 289-1313

6. FEE CALCULATION: $21 \times \$40 = \840.00

7. The Assistant Commissioner is hereby authorized to charge the fee for this recordation request to the Deposit Account of Barnes & Thornburg, No. 02-1010 (7175/60313).

8. The undersigned states that to the best of my knowledge and belief, the information contained on this cover sheet is true and correct and any copy submitted herewith is a true copy of the original document.

Total number of pages including cover sheet, attachments and documents: 2

Respectfully submitted,

BARNES & THORNBURG



Mark M. Newman
Reg. No. 31,472
(202) 289-1313

3/10/00

Date

JCT-05-1998 14:25 FROM HILLENBRAND IND LEGAL DEP TO 91302735 STATE OF DELAWARE .02
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 09/16/1998
981360397 - 0363616

CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION

Air-Shields, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, by the unanimous written consent of its members, filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of Air-Shields, Inc. be amended by changing the First Article thereof so that, as amended, said Article shall be and read as follows:

FIRST. Name. The name of the Corporation is Hill-Rom Air-Shields, Inc.

SECOND: That in lieu of a meeting and vote of stockholders, the sole stockholder has given written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

FOURTH: That the aforesaid amendment is to be effective September 23, 1998.

IN WITNESS WHEREOF, said Air-Shields, Inc. has caused this certificate to be signed by Mark R. Lindenmeyer, its Secretary, this 24 day of October, 1998.

Air-Shields, Inc.

By Mark R. Lindenmeyer
Mark R. Lindenmeyer, Secretary

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(DEL - 387 - 6/21/95)

TOTAL P.02

TOTAL P.03

ASSENT BY ASSIGNEE

The undersigned assignee of the entire interest in the above-mentioned Letters Patent
hereby assents to the accompanying DECLARATION BY INVENTORS.

HILL-ROM AIR-SHIELDS, INC.

By: 

Printed Name: Mark R. Lindenmeyer

Title: V.P. and Secretary

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT UNDER 37 CFR 3.73(b)

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

Hill-Rom Air-Shields, Inc. hereby certifies that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of an Assignment from the inventors of said patent application to Air-Shields, Inc., which is recorded at Reel 008248, Frame 0007, which Air-Shields, Inc. had its name changed to Hill-Rom Air-Shields, Inc. (the request for recordation is attached hereto).

The undersigned has reviewed all of the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in Hill-Rom Air-Shields, Inc. The undersigned, whose title is supplied below, is empowered to act on behalf of Hill-Rom Air-Shields, Inc.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

March 27, 2000

Name:

Mark R. Lindenmeyer

Title:

V.P. and Secretary

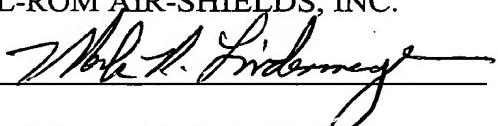
Signature:

Mark R. Lindenmeyer

ASSENT BY ASSIGNEE

The undersigned assignee of the entire interest in the above-mentioned Letters Patent hereby assents to the accompanying OFFER TO SURRENDER ORIGINAL PATENT UNDER 37 C.F.R. § 1.178. The undersigned has reviewed the Assignment recorded at Reel 008248, Frames 0007 as an evidentiary document as well as the attached request to record a name change of the original assignee Air-Shields, Inc. to Hill-Rom Air-Shields, Inc., and hereby certifies that, to the best of assignee's knowledge and belief, title is in the assignee.

HILL-ROM AIR-SHIELDS, INC.

By: 

Printed Name: Mark R. Lindenmeyer

Title: V.P. and Secretary